

**BOARD OF PLANNING COMMISSIONERS  
MINUTES**

**Regular Meeting:**

**Tuesday:**

**September 6, 2016:**

The Regular Meeting of the Board of Planning Commissioners of the City of Fargo, North Dakota, was held in the City Commission Room at City Hall at 3:00 o'clock p.m., Tuesday, September 6, 2016.

The Planning Commissioners present or absent were as follows:

Present: Mara Brust, Shara Fischer, John Gunkelman, Mike Magelky, Melissa Sobolik, Scott Stofferahn

Absent: Mary Scherling, Rocky Schneider, Kelly Steffes, Jan Ulferts Stewart

Vice Chair Fischer called the meeting to order.

**Business Items:**

**Item A: Approve Order of Agenda**

Member Sobolik moved the Order of Agenda be approved as presented. Second by Member Brust. All Members present voted aye and the motion was declared carried.

**Item B: Minutes: Regular Meeting of August 2, 2016**

Member Stofferahn moved the minutes of the August 2, 2016 Planning Commission meeting be approved. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

**Item C: Wednesday, September 21, 2016 Brown Bag Luncheon**

Topic: Discussion with Commissioner Grindberg.

**Item D: Public Hearing Items:**

**Item 1: Brandt Crossing Eleventh Addition**

**Hearing on an application requesting a Plat of Brandt Crossing Eleventh Addition (Minor Subdivision) a replat of Lot 3, Block 1, Brandt Crossing Sixth Addition, to the City of Fargo, Cass County, North Dakota. (Located at 3270 51st Street South) (PACES Lodging): APPROVED**

Planner Maegin Elshaug presented the staff report stating all approval criteria have been met and staff is recommending approval.

Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed subdivision plat Brandt Crossing Eleventh Addition as outlined within the staff report, as the proposal complies with the adopted Area Plan, the Standards of Article 20-06, and all other

applicable requirements of the Land Development Code. Second by Member Brust. On call of the roll Members Sobolik, Brust, Fischer, Stofferahn, Magelky, and Gunkelman voted aye. Absent and not voting: Members Scherling, Schneider, Steffes, and Ulferts Stewart. The motion was declared carried.

**Item 2: Beardsley's Addition**

**Hearing on an application requesting a Conditional Use Permit to allow an alternative design standard in the UMU, University Mixed-Use zoning district on Lot 12, Block 4, Beardsley's Addition. (Located at 1817 and 1819 11th Avenue North) (Design-7 P.C.): APPROVED WITH CONDITIONS**

Planner Aaron Nelson presented the staff report. He noted the applicant is requesting to deviate from the building offset requirements as it relates to the third floor and rear building elevation walls. Mr. Nelson stated all approval criteria have been met and staff is recommending approval with conditions.

Applicant representative Ron Dick, Design-7 P.C., spoke on behalf of the application.

Martha Berryhill, 1354 12th Street North, spoke in favor of the proposal.

Member Brust moved the findings and recommendations of staff be accepted and the Conditional Use Permit to allow an alternative design standard in the UMU, University Mixed-Use zoning district be approved, as the proposal complies with Section 20-0909.D (1-6) and all other requirements of the Land Development Code, with the following conditions:

1. Open Space Landscaping: At least nine (9) plant units shall be provided for each 1,000 square feet of lot area or fraction thereof, and eight (8) square feet per plant unit shall be provided.
2. Open Space: At least 25% of the lot area shall remain as open space.
3. Off-Street Parking: At least 2 parking spaces shall be provided per unit.
4. Density: The minimum required density shall be 37 units per acre.
5. Building Coverage: The maximum building coverage shall be 60% of the lot area.
6. Building Design: The following architectural features shall be provided:
  - a. Dormers will be provided on the south-facing side of the roof;
  - b. Balconies shall be provided along the south building elevation; and
  - c. Primary entrances shall be recessed from the exterior walls by at least 3 feet.

Second by Member Gunkelman. On call of the roll Members Brust, Stofferahn, Fischer, Sobolik, Magelky, and Gunkelman voted aye. Absent and not voting: Members Scherling, Schneider, Steffes, and Ulferts Stewart. The motion was declared carried.

**Item 3: Golden Valley Second Addition**

**a. Continued Hearing on an application requesting a Growth Plan Amendment within the boundaries of the proposed Golden Valley Second Addition. (Located at 6737 25th Street South) (Eagle Ridge Development): NO ACTION TAKEN**

**b. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to SR-4, Single-Dwelling Residential with a C-O, Conditional Overlay and MR-1, Multi-Dwelling Residential, within the boundaries of the proposed Golden Valley Second Addition. (Located at 6737 25th Street South) (Eagle Ridge Development): APPROVED**

**c. Continued Hearing on an application requesting a Plat of Golden Valley Second Addition (Major Subdivision) of part of the Northeast Quarter of Section 11, Township 138 North, Range 49 West of the 5th Principal Meridian, Cass County, North Dakota. (Located at 6737 25th Street South) (Eagle Ridge Development): DENIED**

A Hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to this date and time.

Senior Planner Donald Kress presented the staff report and noted staff held an open house on July 26, 2016. Mr. Kress summarized staff's recommendations stating: 1) staff recommends approval of the Growth Plan Amendment as it has been found to be consistent with and serves to implement adopted plans and policies of the City; 2) staff recommends approval of the Zoning Change as it has been found to be consistent with the purpose of the Land Development Code, the Growth Plan, and other adopted policies of the City, contingent on City Commission approval of the proposed Growth Plan; and 3) staff recommends denial of the Subdivision Plat, Golden Valley Second Addition, as the plat fails to comply with the adopted Area Plan and the Standards of Article 20-06.

Board discussion ensued regarding a future street crossing at County Drain No. 53 at 67th Avenue South that is depicted in the Southwest Metro Transportation Plan; the importance of street connectivity; and adequate emergency access.

Applicant Jim Bullis, President of Eagle Ridge Development, spoke on behalf of the application.

City Fire Marshal Ryan Erickson spoke, reaffirming the importance of street connectivity.

Vice Chair Fischer noted that each item will be voted on separately.

**GROWTH PLAN AMENDMENT MOTION:** Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed Growth Plan Amendment to change approximately nine acres of the project site from "Commercial" to "Low to Medium Residential", as it has

been found to be consistent with and serves to implement adopted plans and policies of the City. Second by Member Magelky. On call of the roll Members Gunkelman, Sobolik, and Magelky voted aye. Members Fischer, Brust, and Stofferahn voted nay. Absent and not voting: Members Scherling, Schneider, Steffes, and Ulferts Stewart. The motion failed for lack of a majority.

**ZONING CHANGE MOTION:** Member Sobolik moved the findings and recommendations of staff be accepted and approval be recommended to the City Commission of the proposed zoning change from AG, Agricultural to SR-4, Single-Dwelling Residential with a Conditional Overlay (145 lots) and MR-1, Multi-Dwelling Residential (1 lot), as it has been found to be consistent with the purpose of the Land Development Code and other adopted policies of the City, contingent on City Commission approval of the proposed Growth Plan Amendment. Second by Member Magelky. On call of the roll Members Stofferahn, Fischer, Gunkelman, Sobolik, and Magelky voted aye. Member Brust voted nay. Absent and not voting: Members Scherling, Schneider, Steffes, and Ulferts Stewart. The motion was declared carried.

**MAJOR SUBDIVISION PLAT MOTION:** Member Sobolik moved the findings and recommendations of staff be accepted and denial be recommended to the City Commission of the proposed Subdivision Plat, Golden Valley Second Addition, as the plat fails to comply with the adopted Area Plan and the Standards of Article 20-06. Second by Member Magelky. On call of the roll Members Fischer, Magelky, Gunkelman, Sobolik, Brust, and Stofferahn voted aye. Absent and not voting: Members Scherling, Schneider, Steffes, and Ulferts Stewart. The motion was declared carried.

**Item 4: Interstate Business Park Addition**

**a. Continued Hearing on an application requesting a Zoning Change from AG, Agricultural to GC, General Commercial within the boundaries of the proposed Interstate Business Park Addition. (Located at 3801 26th Avenue South and 2852 Thunder Road South) (Kjos Investments, LLC): CONTINUED TO OCTOBER 4, 2016**

**b. Continued Hearing on an application requesting a Plat of Interstate Business Park Addition (Major Subdivision) a replat of Lot 1, Block 1, Adams 7th Addition, and part of the Northeast Quarter of Section 22, Township 139 North, Range 49 West to the City of the 5th Principal Meridian, Cass County, North Dakota. (Located at 3801 26th Avenue South and 2852 Thunder Road South) (Kjos Investments, LLC): CONTINUED TO OCTOBER 4, 2016**

A Hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to October 4, 2016.

Member Stofferahn moved this item be continued to the October 4, 2016 Planning Commission meeting. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

**Item 5: Tyler's Addition**

**Continued Hearing on an application requesting a Street Vacation of 22nd Street North between Block 11 and Block 12, Tyler's Addition. (Located between the 300 and 400 Blocks of 22nd Street North) (Fabricators Unlimited): CONTINUED TO NOVEMBER 1, 2016**

A Hearing had been set for August 2, 2016. At the August 2, 2016 meeting the Hearing was continued to this date and time; however, the applicant has requested this item be continued to November 1, 2016.

Member Sobolik moved this item be continued to the November 1, 2016 Planning Commission meeting. Second by Member Gunkelman. All Members present voted aye and the motion was declared carried.

The time at adjournment was 3:56 p.m.